

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Josephine Ogboye	Team: Team # 2	CCRB Case #: 201002757	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 02/27/2010 2:00 PM	Location of Incident: Lydig Avenue and Brady Avenue	Precinct: 49	18 Mo. SOL 8/27/2011	EO SOL 8/27/2011	
Date/Time CV Reported Tue, 03/02/2010 10:58 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 03/02/2010 10:58 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Carlos Lozada	01174	930601	NARCB BX
2. DT3 George Wan	07292	919848	NARCB BX
3. SGT Aaron Edwards	01791	932593	O C C B

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Ramonita Cardona	02645	902650	NARCB BX

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Carlos Lozada	Abuse: Dt. Carlos Lozada stopped § 87(2)(b)	
B.DT3 George Wan	Abuse: Dt. George Wan stopped § 87(2)(b)	
C.DT3 George Wan	Abuse: Dt. George Wan frisked § 87(2)(b)	
D.DT3 Carlos Lozada	Abuse: Dt. Carlos Lozada frisked § 87(2)(b)	
E.DT3 Carlos Lozada	Abuse: Dt. Carlos Lozada searched § 87(2)(b)	
F.DT3 George Wan	Abuse: Dt. George Wan refused to provide his name and/or shield number to § 87(2)(b)	
G.SGT Aaron Edwards	Abuse: Sgt. Aaron Edwards authorized the strip-search of § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB on March 21, 2010 (encl. 4A-B). He also provided a phone statement on March 4, 2010 (encl. 5A). On February 27, 2010, at approximately 2:00p.m., in the vicinity of Lydig Avenue and Brady Avenue, in the Bronx, § 87(2)(b) was arrested, but the arrest was later voided. The following allegations resulted from the officers actions.

Allegation A – Abuse of Authority: Dt. Carlos Lozada stopped § 87(2)(b)

Allegation B – Abuse of Authority: Dt. George Wan stopped § 87(2)(b) § 87(2)(g)

Allegation C – Abuse of Authority: Dt. George Wan frisked § 87(2)(b)

Allegation D – Abuse of Authority: Dt. Carlos Lozada frisked § 87(2)(b) § 87(2)(g)

Allegation E – Abuse of Authority: Dt. Carlos Lozada searched § 87(2)(b) § 87(2)(g)

Allegation F – Abuse of Authority: Dt. George Wan refused to provide his name and/or shield number to § 87(2)(b) § 87(2)(g)

Allegation G – Abuse of Authority: Sgt. Aaron Edwards authorized the strip-search of § 87(2)(b) § 87(2)(g)

Results of Investigation

Civilian Statement(s)

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-year-old, 5' 4" tall, 230-pound Hispanic male with black hair and brown eyes. § 87(2)(b)

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on March 31, 2010 (encl. 6A-D). On February 27, 2010, at approximately 2:00p.m., in the vicinity of Lydig Avenue and Brady Avenue, in the Bronx, § 87(2)(b) was standing in front of a corner store when two of his acquaintances, § 87(2)(b) and § 87(2)(b) walked by. § 87(2)(b) had entered the store a few minutes earlier to buy a cigarette which he had just finished smoking before the couple walked by. § 87(2)(b) and § 87(2)(b) exchanged greetings by extending each other's open palm against the other's palm. § 87(2)(b) did not have any object in his hand; he did not hand an object to § 87(2)(b) and he did not receive any object from § 87(2)(b). The couple walked on within less than a minute of engaging § 87(2)(b).

Within seconds of § 87(2)(b)'s interaction with § 87(2)(b) one plainclothes officer, described by § 87(2)(b) as a Hispanic male, and identified through police documents as Dt. Carlos Lozada, approached § 87(2)(b) and asked him if he had just bought drugs from § 87(2)(b). § 87(2)(b) denied this and Dt. Lozada told him to remain where he was, while Dt. Lozada approached § 87(2)(b) who was now approximately ten feet away and found to have drugs on him. Dt. Lozada then returned and searched all of § 87(2)(b)'s pockets. However, no

contraband was recovered on him. Dt. Lozada asked § 87(2)(b) if he had dropped the contraband in the store and § 87(2)(b) maintained that he had no drug in his possession at any point.

There was another officer, described as an Asian male, and identified through investigation as Dt. George Wan, present with Dt. Lozada. The officers decided to arrest § 87(2)(b) and informed him that he would be taken to the stationhouse for further investigation. § 87(2)(b) requested the officers' information and Dt. Lozada provided his to § 87(2)(b) while Dt. Wan ignored § 87(2)(b). § 87(2)(b) and § 87(2)(b) were both arrested because an unknown quantity of marijuana was recovered from them and they were all transported to the stationhouse.

At the 49th Precinct stationhouse, § 87(2)(b)'s pockets were again searched by another unidentified officer, but no contraband was found on him. § 87(2)(b) was then led to the bathroom where he was strip-searched by Dt. Lozada, but no contraband was recovered from him. § 87(2)(b)'s arrest was subsequently voided.

Phone Statement: § 87(2)(b)

On March 9, 2010, § 87(2)(b) stated that she and § 87(2)(b) did not want to be a part of the investigation and declined a CCRB interview. Nevertheless, on March 4, 2010, § 87(2)(b) provided the following phone statement (encl. 7A).

On February 27, 2010, § 87(2)(b) was walking down the street with his wife. He had just seen an acquaintance, § 87(2)(b) and exchanged a handshake with him. § 87(2)(b) and his wife also exchanged brief pleasantries with § 87(2)(b).

§ 87(2)(b) then walked on and about a block away, a car pulled up and officers asked him to get against a wall. They asked him what he gave to § 87(2)(b) who was already in handcuffs at this time, and § 87(2)(b) told them that he did not give anything to § 87(2)(b). The officers searched § 87(2)(b)'s jeans pockets and found five bags of marijuana in § 87(2)(b)'s back pocket. There was a plainclothes Hispanic female officer who searched § 87(2)(b)'s wife. The female officer asked her if she had anything sharp on her. She searched § 87(2)(b)'s handbag and frisked and searched her person. The female officer found some marijuana in § 87(2)(b)'s bra area after she put her hands into § 87(2)(b)'s bra. Both § 87(2)(b) and § 87(2)(b) were then handcuffed and placed into a van and driven them to the 49th Precinct stationhouse where they were all strip-searched.

Attempts to Contact Civilians

§ 87(2)(b) was not interviewed because on March 8, 2010, she noted that she did not want to be a part of the investigation.

NYPD Statement(s):

Subject Officer: GEORGE WAN

- *Dt. Wan is a § 87(2)(b)-year-old, 5' 9" tall, 200-pound Asian male with black hair and brown eyes.*
- *Dt. Wan worked from 10a.m. on February 27, 2010 to 1:00a.m. the following morning. He was the arresting officer for a buy and bust operation. Dt. Wan was assigned in the same unmarked vehicle, #8276, as Sgt. Aaron Edwards and Dt. Ramonita Cardona. Dt. Wan was the driver of the vehicle. There was also an entire field team working with them. They were all in plainclothes.*

Memo Book

At 2:30p.m., there was one person arrested in front of 730 Lydig Avenue, and at 2:35p.m., there were two people arrested in front of 768 Lydig Avenue. At 3:00p.m., Dt. Wan arrived at the 49th Precinct and at 4:18p.m., § 87(2)(b) was released and his arrest was voided as a no prima facie case, meaning there was no evidence to charge him (encl. 8A-C).

CCRB Testimony

Dt. Wan was interviewed at the CCRB on April 22, 2010 (encl. 12A-B). On February 27, 2010, at approximately 2:00p.m., in the vicinity of Lydig Avenue and Brady Avenue, in the Bronx, while Dt. Wan and the rest of his team were conducting a buy and bust operation and observations, Dt. Wan observed § 87(2)(b) engaged in a conversation with § 87(2)(b) and § 87(2)(b). Dt. Wan had never seen or had any interaction with any of the individuals before that day. Dt. Wan was on foot and positioned approximately fifty feet from the trio, who were standing in front of a store. There was another officer, Dt. Lozada, who was much closer to them and who also made the observation. The conversation between § 87(2)(b) and § 87(2)(b) lasted for approximately two minutes after which both males slapped hands. Although Dt. Wan did not observe any specific object in any of the males' hands, the hand contact made by both males appeared to Dt. Wan as a hand-to-hand transaction because it was so quick and, based on his experience, indicative of a drug exchange. Both § 87(2)(b) and § 87(2)(b) then walked away, while § 87(2)(b) remained in front of the store.

Dt. Wan and Dt. Lozada then approached § 87(2)(b) and stopped him, while § 87(2)(b) and § 87(2)(b) were stopped down the block by other members of the team. Dt. Wan never lost sight of § 87(2)(b) from the point when § 87(2)(b) made contact with § 87(2)(b) to the point he was approached by the officers. Dt. Wan identified himself to § 87(2)(b) by stating his name and noting that he was a police officer and he had his shield hanging down his neck. Dt. Wan questioned § 87(2)(b) about his presence at the location. Also, although there was no indication that § 87(2)(b) had any weapons on him at this point, Dt. Wan frisked § 87(2)(b) for weapons out of precaution since the officers were investigating his interaction with § 87(2)(b) and waiting on the status of § 87(2)(b) stop by the other members of the team. Dt. Lozada was present during the frisk of § 87(2)(b) but Dt. Wan did not know if Dt. Lozada also frisked § 87(2)(b).

The officers were soon notified over the radio that § 87(2)(b) and § 87(2)(b) were found to be in possession of marijuana. As a result, they decided to arrest § 87(2)(b) and take him to the stationhouse for further investigation. § 87(2)(b) was taken to the stationhouse to be strip-searched because – since drugs were found on § 87(2)(b) and § 87(2)(b) – § 87(2)(b) could have secreted marijuana on his person. However, at no point did Dt. Wan observe § 87(2)(b) conduct himself in anyway indicating that he tried to secrete marijuana on his person.

At the stationhouse, § 87(2)(b) was strip-searched in the bathroom after Dt. Wan advised Sgt. Edwards that he believed § 87(2)(b) may have secreted narcotics on his person. The strip-search was authorized by Sgt. Edwards and carried out by Dt. Lozada, but no narcotics were recovered on § 87(2)(b) so his arrest was voided. Dt. Wan did not recall if § 87(2)(b) requested his information at any point but reiterated that he identified himself when he initially approached § 87(2)(b).

Subject Officer: Dt. CARLOS LOZADA

- Dt. Lozada is a § 87(2)(b)-year-old, 5' 7" tall, 245-pound Hispanic male with brown hair and brown eyes.
- He worked from 9:27a.m. on February 27, 2010 to 3:30a.m. the following morning. He was conducting a buy and bust operation along with the field team of narcotics officers and he

was assigned to the prisoner van along with Dt. Mark O'Connell. Dt. O'Connell was the driver of the van. Sgt. Edwards was the supervisor on the scene.

Memo Book

At 2:30p.m., one under: § 87(2)(b) investigatory § 87(2)(b) . 2:35p.m., two under: one female and one male, § 87(2)(b) and § 87(2)(b) § 87(2)(b) 2:40p.m., en route to 49th Precinct. 3:00p.m., arrived at 49th Precinct (encl. 15A-C).

CCRB Testimony

Dt. Lozada was interviewed at the CCRB on May 15, 2010 (encl. 16A-C). § 87(2)(g)

§ 87(2)(b) Dt. Lozada agreed with Dt. Wan that § 87(2)(b) was observed slapping hands with § 87(2)(b) Dt. Lozada also asserted, like Dt. Wan, that based on his experience and because Lydig Avenue is a drug prone location, the contact made by § 87(2)(b) and § 87(2)(b) appeared to be a hand-to-hand transaction. Dt. Lozada was positioned approximately twenty feet away from them when he made the observation but he did not see any specific objects in either § 87(2)(b)'s or § 87(2)(b)'s hands.

§ 87(2)(b) and § 87(2)(b) walked away after a very brief conversation with § 87(2)(b) Dt. Lozada let § 87(2)(b) and § 87(2)(b) walk past him before he went to approach § 87(2)(b) because he did not want to raise their suspicion. As Dt. Lozada approached § 87(2)(b) § 87(2)(b) stepped into the store in front of which he had been standing and Dt. Lozada briefly lost sight of him. However, when Dt. Lozada got to the entrance, § 87(2)(b) who was now exiting the store, was fidgeting with his clothing and appeared to be fixing his shirt around his waistline and adjusting his coat. Because § 87(2)(b) was in and out of the store so quickly, Dt. Lozada believed that § 87(2)(b) had not entered the store to make any purchase. Also, § 87(2)(b)'s demeanor upon exiting the store gave Dt. Lozada indication that § 87(2)(b) may throw contraband down his pants or secreted somewhere on his person. However, Dt. Lozada did not observe § 87(2)(b) do so at any point.

Dt. Lozada was the first to reach § 87(2)(b) while Dt. Wan, who was positioned somewhere behind Dt. Lozada, joined Dt. Lozada shortly after he approached § 87(2)(b) Dt. Lozada identified himself to § 87(2)(b) and took him aside to frisk him for weapons for safety reasons. Dt. Lozada asked § 87(2)(b) some basic questions, which he could not recall, but § 87(2)(b) seemed evasive. § 87(2)(b) was no longer free to leave when Dt. Lozada stopped him because he was being held for questioning and the officers needed to confirm what was going on with § 87(2)(b) and § 87(2)(b) who were with the other members of the team.

At some point, Dt. Lozada was informed by the other members of the team that § 87(2)(b) and § 87(2)(b) were found with narcotics. Dt. Lozada proceeded to search § 87(2)(b)'s pockets for narcotics but did not recover any on him. As a result, Dt. Lozada believed that § 87(2)(b) may have either had the time to secrete whatever was exchanged with § 87(2)(b) on his person by throwing it down his underwear or he might have thrown it away. Dt. Lozada then placed § 87(2)(b) in handcuffs and arrested him for possession of narcotics, and he and Dt. Wan led § 87(2)(b) to the prisoner van where the other two arrestees were.

Dt. Lozada acknowledged that he informed Sgt. Edwards about his observation of § 87(2)(b) and his belief that § 87(2)(b) may have secreted narcotics on his person based on § 87(2)(b)'s demeanor. As a result, Sgt. Edwards authorized the strip-search and Dt. Lozada conducted the search in the bathroom. However, nothing was recovered, so § 87(2)(b)'s arrest was subsequently voided. Dt. Lozada had never interacted with any of the arrestees in the past.

Subject Officer: Sgt. AARON EDWARDS

- *Sgt. Edwards is a § 87(2)(b)-year-old, 5' 10" tall, 190-pound black male with black hair and brown eyes.*
- *On February 27, 2010, Sgt. Edwards worked from 9:30a.m. to 7:05p.m. He was assigned as the Narcotics Enforcement Supervisor for buy and bust operations and for observations. He was in plainclothes and working with Dt. George Wan, Dt. Carlos Lozada, and Dt. Ramonita Cardona. There was a team of approximately six narcotics officers in total. Sgt. Edwards was in a vehicle (a dodge minivan) with Dt. Wan and Dt. Cardona, while Dt. Lozada was assigned to a different vehicle with another detective. Sgt. Edwards was in the front passenger seat of the vehicle.*

Memo Book

At 2:30p.m., there was one person arrested at 730 Lydig Avenue, at 2:35p.m, there were two people arrested at 768 Lydig Avenue, at 2:40p.m., en route to 49th Precinct. At 3:00p.m., he arrived at the precinct. At 4:18p.m., § 87(2)(b) was released and his arrest for voided (encl. 13A-B).

CCRB Testimony

Sgt. Edwards was interviewed at the CCRB on May 5, 2010 (encl. 14A-B). Sgt. Edwards was not involved in the apprehension and arrest of § 87(2)(b). However, Sgt. Edwards and Dt. Cardona apprehended § 87(2)(b) and § 87(2)(b) after they were informed that the couple was involved in a possible drug transaction. Sgt. Edwards acknowledged that some quantity of marijuana was found on § 87(2)(b) and § 87(2)(b) and this information was communicated to Dt. Lozada and Dt. Wan who had observed what appeared to them as a hand-to-hand transaction.

At some point after § 87(2)(b) and § 87(2)(b) were apprehended, Dt. Wan and Dt. Lozada brought § 87(2)(b) to the prisoner van where Sgt. Edwards was positioned. Everyone was transported to the stationhouse where one of the detectives, probably Dt. Wan, informed Sgt. Edwards that, based on his experience and his observation, he believed that § 87(2)(b) still had narcotics on his person and requested the authorization of a strip-search. Sgt. Edwards authorized the strip-search based on the information received from the detectives, but no contraband was recovered and § 87(2)(b)'s arrest was voided. Like the other officers, Sgt. Edwards had never interacted with any of the arrestees in the past.

Witness Officer: Dt. RAMONITA CARDONA

- *Dt. Cardona is a 5' 5" tall, 180-pound Hispanic female with brown hair and brown eyes.*
- *On February 27, 2010, Dt. Cardona was involved in buy and bust operation and assigned to the chase car along with Sgt. Aaron Edwards and Dt. George Wan. They were all dressed in plainclothes. Dt. Cardona was positioned in the back of the vehicle while Dt. Wan may have been driving.*

Memo Book

At 2:30p.m., three people were under arrest and one arrest: § 87(2)(b) was later voided (encl. 17A-B).

CCRB Testimony

Dt. Cardona was interviewed at the CCRB on May 26, 2010 (encl. 18A-B). § 87(2)(g) Dt. Cardona did not observe the apprehension of § 87(2)(b) or have any interaction with him. However, she

apprehended § 87(2)(b) after she received information about her involvement in a possible drug sale.

Dt. Cardona observed a bulge on § 87(2)(b)'s shoulder and asked § 87(2)(b) if she could take a look at it after § 87(2)(b) claimed that it was a cigarette pack. Dt. Cardona recovered bags of marijuana on § 87(2)(b) communicated this information over the radio and arrested § 87(2)(b).

NYPD Document(s)

Arrest Report

§ 87(2)(b)'s report (encl. 9A-B) indicates that he was observed making an exchange with another apprehended defendant who was in possession of a large quantity of marijuana. Upon further investigation, there was no probable cause to arrest § 87(2)(b) who was strip-searched at the 49th Precinct, command log #133 and the arrest was voided. Dt. Wan was the arresting officer.

§ 87(2)(b)'s report (encl. 10A) indicates that he was in possession of a large quantity of marijuana and he was strip-searched at the 49th Precinct, command log #134.

§ 87(2)(b)'s report (encl. 11A) was consistent with that of § 87(2)(b). She was also strip-searched, command log #134.

Command Log

The log (encl. 20A-E) reveals that the strip-searches were documented as indicated in the arrest report.

Prisoner Holding Pen Roster

The document (encl. 21A-B) indicates that § 87(2)(b) was released at 4:18p.m. after his arrest was voided.

Roll Call

The roll call (encl. 22A-D) confirms that all the officers were working on the incident date.

Movement Sheet

The document (encl. 23A-C) reveals that Sgt. Edwards, Dt. Wan and Dt. Cardona were assigned together at some point on the incident date and that Dt. Lozada was assigned separately.

Summons/Arrest for Incident and Disposition

- § 87(2)(b)'s arrest was voided at the stationhouse on February 27, 2010.

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of June 10, 2010 (encl. 25E).

Civilian(s) Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Civilian(s) CCRB History

- § 87(2)(b) has filed seven complaints with the CCRB. § 87(2)(b)
[REDACTED]

§ 87(2)(b)

Subject Officer(s) CCRB History

- Dt. Lozada has been a member of the service for seven years and there are no substantiated CCRB allegations against him (encl. 2A).
- Dt. Wan has been a member of the service for thirteen years and there are no substantiated CCRB allegations against him (encl. 2B).
- Sgt. Edwards has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. 2C).

Conclusion

Identification of Subject Officer(s)

Dt. Wan and Dt. Lozada both acknowledged interacting with § 87(2)(b) and they both asserted that they stopped § 87(2)(b). Sgt. Edwards was the supervisor on scene and acknowledged authorizing the strip-search.

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: Dt. Carlos Lozada stopped § 87(2)(b)

Allegation B – Abuse of Authority: Dt. George Wan stopped § 87(2)(b)

It is undisputed that the officers approached § 87(2)(b) because of their observation of what appeared to them as a hand-to-hand transaction. However, neither of the officers saw any specific objects in any of § 87(2)(b)'s or § 87(2)(b)'s hands. Instead, both officers asserted that based on their experiences as police officers and narcotics detectives and also because Lydig Avenue is a drug prone location, they believed that they had just observed a drug transaction due to the hand contact between § 87(2)(b) and § 87(2)(b).

In *People v. DeBour*, 40 N.Y. 2d 210, 2 (1976), the court established that the police could approach a citizen on the street for the purpose of *requesting information* so long as there was a reason sufficient to justify the police action. However, the court also established that before the police may *stop* a person pursuant to the common-law right to inquire there must exist at that moment a founded suspicion that criminal activity is present. The police may not justify a stop by a subsequently acquired suspicion resulting from the stop. Also, innocuous behavior alone will not generate a founded or reasonable suspicion that a crime is at hand (encl. 1A-B).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation C – Abuse of Authority: Dt. George Wan frisked § 87(2)(b)

Allegation D – Abuse of Authority: Dt. Carlos Lozada frisked § 87(2)(b)

Allegation E – Abuse of Authority: Dt. Carlos Lozada searched § 87(2)(b)

Both Dt. Wan and Dt. Lozada admitted to frisking § 87(2)(b). Dt. Wan noted that although there was no indication that § 87(2)(b) had any weapons on him, he frisked § 87(2)(b) for weapons out of precaution since the officers were investigating his interaction with § 87(2)(b) and waiting on the status of § 87(2)(b) stop by the other members of the team.

On the other hand, Dt. Lozada explained that he frisked § 87(2)(b) for concern for his safety since § 87(2)(b) was no longer free to leave and was now being investigated. Dt. Lozada did not articulate or specify the reason he was concerned for his safety. Also, not only did Dt. Lozada frisk § 87(2)(b) but he also searched § 87(2)(b) before it was determined that § 87(2)(b) was under arrest. Dt. Lozada explained that he searched § 87(2)(b) after drugs were found on § 87(2)(b) and § 87(2)(b) and although nothing was found on § 87(2)(b) he proceeded to arrest § 87(2)(b) so that he could be taken to the stationhouse for further investigation.

In *People v. De Bour*, 386 N.Y.S.2d 375 (1976), it was stipulated that a consequence of the statutory right to temporarily detain for questioning is the authority to frisk *if the officer reasonably suspects that he is in danger of physical injury by virtue of the detainee being armed.*

§ 87(2)(g)

§ 87(2)(g)

Allegation F – Abuse of Authority: Dt. George Wan refused to provide his name and/or shield number to § 87(2)(b)

Dt. Wan asserted that he identified himself to § 87(2)(b) upon approach and he did not recall § 87(2)(b) requesting his information. § 87(2)(g)

Allegation G – Abuse of Authority: Sgt. Aaron Edwards authorized the strip-search of § 87(2)(b)

Both Dt. Wan and Dt. Lozada advised Sgt. Edwards that § 87(2)(b) be strip-searched, § 87(2)(g). Dt. Wan essentially asserted that § 87(2)(b) was taken to the stationhouse to be strip-searched because drugs were found on § 87(2)(b) and § 87(2)(b) who had just made physical contact with § 87(2)(b). On the other hand, while agreeing

with Dt. Wan's assertion, Dt. Lozada additionally claimed that he briefly lost sight of § 87(2)(b) and that § 87(2)(b) gave him indication that he may have concealed contraband on his person by quickly entering and exiting the store and fixing his clothing as he exited the store. However, Dt. Wan did not corroborate them but corroborated § 87(2)(b)'s claim that he did not enter the store after his interaction with § 87(2)(b). It is highly implausible that Dt. Wan, who was within eyeshot of § 87(2)(b) would have omitted such pertinent information regarding § 87(2)(b)'s demeanor upon the officers' approach. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Patrol Guide Section 208-05 requires that a strip-search will be authorized by a supervisor only when an arresting officer has articulated a reasonable suspicion, *beyond the probable cause for the arrest*, that the individual is concealing contraband or a weapon. Also, a strip-search may not be conducted routinely in connection with an arrest. There must be a factual basis which must be articulated by the arresting officer to the supervisor before a strip-search is conducted (encl. 1C-D).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

§ 87(2)(g)

Team: 2

Investigator: _____	<u>Josephine Ogboye</u>	_____
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date